

**UNITED STATES DISTRICT COURT
 DISTRICT OF MINNESOTA**

LEHMAN BROTHERS HOLDINGS)	
INC.,)	
)	Civ. No. 20-cv-1351 (SRN/HB)
Plaintiff,)	
)	DECLARATION OF DANA
v.)	BARKER IN SUPPORT OF
)	DEFENDANTS' REPLY IN
LENDINGTREE, LLC and)	SUPPORT OF THEIR MOTION TO
LENDINGTREE, INC.,)	DISMISS OR, IN THE
)	ALTERNATIVE, TO TRANSFER
Defendants.)	VENUE OR COMPEL
)	ARBITRATION

I, Dana Barker, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge:

1. I have worked for LendingTree, LLC ("Tree-LLC") since March 2014. I am currently a Senior Corporate Paralegal at Tree-LLC and have held that position since June 2019.

2. I submit this Declaration in support of Defendants' Reply in support of their Motion to Dismiss or, in the Alternative, to Transfer Venue or to Compel Arbitration ("Motion"), which I understand LendingTree, Inc. ("Tree-Inc.") and Tree-LLC are filing concurrently with this Declaration.

3. I submitted a declaration in support of Defendants' Motion on August 19, 2020, which I understand Tree-Inc. and Tree-LLC filed that same day.

4. In that declaration, I stated that Tree-Inc. “has not appointed an agent to receive service of process in Minnesota” based on my understanding that Tree-Inc. historically had never had a registered agent in Minnesota.

5. I inadvertently made that statement in error. At the time I signed the August 19 declaration, I did not recall that on August 5, 2020, I had placed a bulk order with InCorp Services, Inc. requesting the appointment of registered agents in 24 different states and the District of Columbia, including Minnesota, to facilitate Tree-Inc.’s tax filings on a consolidated basis for tax year 2019. Although I was not working on the bulk order project, I was asked to submit the order to InCorp by a colleague who I understand was not able to access InCorp’s website. My colleague requested that I place the order he had prepared using my InCorp website credentials, which I did.

6. As a result of that order, Tree-Inc. appointed a registered agent in Minnesota for the first time on August 14, 2020.

7. At the time I signed the August 19 declaration, I did not recall that Tree-Inc.’s bulk order for registered agents included a request for an agent in Minnesota, or that Tree-Inc. had appointed a registered agent in Minnesota on August 14.

8. On November 3, 2020, I was told that Tree-Inc.'s counsel had learned through the Minnesota Secretary of State's website that Tree-Inc. had appointed a registered agent in Minnesota on August 14, 2020, and realized for the first time there might have been an error in my August 19 declaration. Afterward, I looked through my files, refreshed my recollection of the facts stated in paragraphs 5-7 above.

Executed this 17th day of November, 2020, in Charlotte, North Carolina

Dana Barker

Dana Barker